

**Enforcement Report into Breach of Control  
at  
23 1F3 Balfour Street  
Edinburgh  
EH6 5DG**

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**Development Management Sub-Committee  
of the Planning Committee**

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**Owner/s**

**Occupier**

**Reference No:** 07/00189/EOPDEV

**1. Purpose of Report**

**Breach of Control:**

Without planning permission, the installation of a satellite dish in a conservation area.

**Recommendation:**

It is recommended that Committee authorises enforcement action to secure the removal of this satellite dish.

**The Site**

**Site Description**

The property in question is a first floor flat in a traditional four -storey tenement on Balfour Street, to the east of Leith Walk. The property is not listed but this side of Balfour Steet is within the Leith Conservation Area. The opposite side of the street is outwith the conservation area.

## **Site History:**

No previous history.

Subsequent to the opening of this investigation, the owner of a second floor flat removed an unauthorised satellite dish which was observed in December 2007.

There are at least three other satellite dishes on the other side of Balfour Street but this is not within the conservation area. As there is no evidence available on when they were installed, they may be time-barred from enforcement action. The property owner was advised that the current location was not acceptable and that a more suitable location should be sought. The dish has, however, not been removed or relocated.

## **Representations**

Letter from neighbour stating that this satellite dish had been installed around 31 March 2007.

## **Description of Development**

This satellite dish has been installed on the principal elevation of the property, which faces onto and is visible from Balfour Street.

## **3. Officer's Assessment and Recommendations**

The determining issue in this case is whether it is expedient to take enforcement action having regard to the provisions of the development plan and to any other material considerations, in particular having special regard to the character and appearance of the conservation area.

The prominence of this dish does not preserve or enhance the special character or appearance of this conservation area, contrary to Policy E22 of the adopted North East Edinburgh Local Plan and ENV5 of the finalised Edinburgh City Local Plan. The dish is clearly visible from Balfour Street and is the only dish on this side of the street.

It also contravenes the Non Statutory Guideline "Satellite Dishes", where satellite dishes are normally acceptable where they are effectively screened from public view, provided there is no adverse effect on the character and amenity of the conservation area. No attempt has been made to screen this dish from public view. The Guideline encourages the sharing of dishes or communal dishes and notes the Council's concern about the visual effects of a multiplicity of dishes; it states that consent for additional dishes may be refused even where this may preclude some residents from receiving satellite television.

The siting of the satellite dish on the street elevation in this location within the conservation area is unacceptable.

Alan Henderson

**Alan Henderson**  
Head of Planning and Strategy

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<b>Contact/tel</b>	Val Malone on 0131 529 3485
<b>Ward affected</b>	Ward 22 - Lorne (OLD)
<b>Local Plan</b>	North East Edinburgh
<b>Statutory Development Plan Provision</b>	Conservation Area
<b>File</b>	Paper File
<b>Date Complaint Received</b>	12 April 2007

### **Planning Policy**

Adopted North East Edinburgh Local Plan.

Policy E22 which requires new development within conservation areas to take into account their special interest and how its character and appearance may be preserved and enhanced.

Finalised Edinburgh City Local Plan.

Policy Env 5 outlining the provisions whereby development will be permitted within conservation areas.

Non-Statutory Guidelines.

"Satellite Dishes" - paragraph 1a) encouraging dish sharing, 1b) stating concern about multiplicity of dishes and paragraph 2 giving guidance on where dishes are acceptable within conservation areas.